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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/621,879	07/17/2003	Mona M. Eissa	TI-28394.1	3091	
23494	7590 02/07/2006	EXAMINER			
	STRUMENTS INCOR	CHEN, KI	CHEN, KIN CHAN		
P O BOX 655474, M/S 3999 DALLAS, TX 75265			ART UNIT	PAPER NUMBER	
•			1765	·	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Eaterabors of time may be available under the provision of 37 CFR 1.136(a). In or event, however, may a reply be timely filled in the communication of the provision of 37 CFR 1.736(a). The control of the communication of the communication. Period of the communication of the			Application I	lo.	Applicant(s)				
Name	Office Action Summary		10/621,879		EISSA, MONA M.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Elementor of time may be available under the provisions of 3 CPR 1.136(i), in on event, however, may a reply be timely fixed and the communication.  Failure to eight of time may be available under the provisions of 3 CPR 1.136(i), in oversity, however, may a reply the fixed of details of this communication.  Failure to eight with the set or elementary state of the communication, even if timely flied, may reduce any earner planeth. Set 37 CPR 1.79(b).  Status  1) □ Responsive to communication(s) filed on □ 2.20 □ 3 months of the set of the communication, set of this communication, even if timely flied, may reduce any earner planeth.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 22.26.26 and 28-31 is/are pending in the application.  4a) Of the above claim(s) □ Is/are allowed.  5) □ Claim(s) 22.25.26 size and 28-31 is/are allowed.  6) □ Claim(s) 22.25.26 size and 28-31 is/are allowed.  7) □ Claim(s) □ Is/are objected to.  8) □ Claim(s) □ Is/are objected to.  8) □ Claim(s) 22.25.26 size and siz			Examiner		Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Beneficions of time may be available under the provisions of 37 CFR 1.38(a). In no event, however, may a rapity be limitly fixed to reply the specified or reply the provision of 18 CFR 1.38(a). In the control of complete the provision of 37 CFR 1.79(b). In the control of complete the provision of 37 CFR 1.79(b). If the provision of the provision of the communication, even if timely fixed, or specified period by the Official to reply within the set or cherical period for reply will, by attains, cause the application to become APAICONED (55 U.S. § 133). Any reply received by this Official to the thin them terminal and the the mailing date of this communication, even if timely fixed, may reduce any variety period by the Official of the Communication, even if timely fixed, may reduce any extension period them adjustment. See 37 CFR 1.79(b).  Status  1) Responsive to communication(s) filled on			Kin-Chan Che	n	1765	_			
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Etaminos time may be available under the provisions of 3 CFR 1.136(a). In a overal, however, may a reply be limely filed after SIX (6) MONTHS from the mailing date of this communication.  Failus to reply the filed of contended period for reply will, by statuls, cause the application become ABANDODE (36 U.S.C. § 133). Any reply received by the Office beth than these months after the milling date of this communication, even if timely filed, may reduce any seamed patter than significant to mailustement. Sea 7 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims 4) Claim(s) 22.24-26 and 28-31 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 24.28.30 and 31 is/are allowed. 6) Claim(s) 22.25.26.29 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.  Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any</li> </ul>								
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## **DETAILED ACTION**

## Claim Rejections - 35 USC § 112

1. Claim 22 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 22, volume ratio of 1:1:20 (HF: $H_2O_2$ :DIW) is only disclosed for etching TaN in the specification (page 6, lines 19-21). Using volume ratio of 1:1:20 (HF: $H_2O_2$ :DIW) for etching other materials is new matter.

In claim 22, using volume ratio of 1:1:20 (HF:H<sub>2</sub>O<sub>2</sub>:DIW) to etch TaN is new matter.

In claim 26, volume ratio of 1:1:20 (HF: $H_2O_2$ :DIW) is only disclosed for etching TaN in the specification 9page 6, lines 19-21). Using volume ratio of 1:1:20 (HF: $H_2O_2$ :DIW) for etching other materials is new matter.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 22, "taken from the class consisting of form about "is unclear as to the scope of the claim (It is an improper Markush language). The examiner suggests replacing it with "selected from the group consisting of".

## Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (571) 272-1461. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

February 2, 2006

Kin-Chan Chen Primary Examiner Art Unit 1765 Page 4